

**BEFORE THE
DEPARTMENT OF TELECOMMUNICATIONS & ENERGY
OF THE COMMONWEALTH OF MASSACHUSETTS**

)

Investigation by the Department of)

Telecommunications and Energy on its own)

Motion into the Appropriate Regulatory Plan)

to succeed Price Cap Regulation for Verizon) Docket D.T.E. 01-31

New England, Inc. d/b/a Verizon Massachusetts')

intrastate retail telecommunication services in)

the Commonwealth of Massachusetts)

)

PETITION TO INTERVENE

OF

NEW ENGLAND PUBLIC COMMUNICATIONS COUNCIL, INC.

COMES NOW, the **NEW ENGLAND PUBLIC COMMUNICATIONS COUNCIL, INC.** ("NEPCC"), acting through counsel and in accordance with Section 1.03 (1) of the Rules of the Department of Telecommunications & Energy ("DTE")⁽¹⁾ and the Department's Notice of Investigation and Public Hearings, dated February 27, 2001, and hereby petitions to intervene as a party in the captioned proceeding. In support thereof, the NEPCC sets out the following:

1. The NEPCC is a Massachusetts non-profit corporation with its current principal place of business as 103 Mechanic Street, Bay E, Marlboro, MA 01752. Its current principal business activity is as a trade association whose members include providers of competitive pay telephone service at various locations throughout the Commonwealth. The NEPCC's members compete directly with Verizon Massachusetts ("VM") in the provision of payphone service. At the same time, all the NEPCC payphone provider members are customers of VM because they must subscribe to Public Access Lines provided by VM under tariffs approved by the DTE for access to VM's local exchange network, which access is essential to all NEPCC member's ability to provide pay telephone service and compete with VM.

2. In this proceeding, the Department plans to investigate a successor regulatory regime for rates that may directly effect charges to NEPCC members. The NEPCC has participated in previous dockets involving the Price Cap Compliance regime which is to be replaced (e.g., D.P.U. 94-50, D.P.U. 97-67, D.T.E. 99-102, 00-101). Therefore, as a potentially affected "customer" and competitor of VM, the NEPCC members have a direct interest in the outcome of this proceeding.

3. The NEPCC's interest in this proceeding cannot be adequately addressed or represented by any other party. Consequently, the NEPCC's participation in this proceeding will help ensure the development of a comprehensive record, while affording the NEPCC the opportunity to protect its interests. The extent of the NEPCC's participation in this docket will depend upon the scope of the proceeding as determined by the DTE and the parties to this proceeding.

Paul C. Besozzi and George Niden

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Respectfully submitted,

**NEW ENGLAND PUBLIC
COMMUNICATIONS COUNCIL, INC.**

By: /S/ Paul C. Besozzi

Paul C. Besozzi
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Date: April 2, 2001

**BEFORE THE
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APPEARANCE OF COUNSEL

In the above-entitled proceeding, I hereby appear for and on behalf of the New England Public Communications Council, Inc.

Respectfully submitted.

NEW ENGLAND PUBLIC

COMMUNICATIONS COUNCIL, INC.

By: /S/ Paul C. Besozzi

Paul C. Besozzi
PATTON BOGGS LLP

2550 M Street, N.W.

Washington, D.C. 20037

Its Counsel

Date: April 2, 2001

CERTIFICATE OF SERVICE

I, Joellen M. Gibbons, a secretary with the Law Firm of Patton Boggs LLP, do hereby certify that on this 2nd day of April 2001, I served by first-class U.S. mail, postage prepaid, the foregoing "PETITION TO INTERVENE" and "APPEARANCE OF COUNSEL" of the New England Public Communications Council, Inc. on the parties listed on the attached Service List:

Joellen M. Gibbons

Service List

Mary L. Cottrell Michael Isenberg, Esquire Paula Foley, Esquire

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1. '220 CMR 1.03(1) (1978).